

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20284 of 2006

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Dated: September 27, 2006
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Between:

The Management of Holy Mary High School,
7-4-40, 1-B, Ferozeguda, Secunderabad-11,
rep. by its Secretary and Correspondent
Ms. M. Josephine, D/o. Sri A. Mariados,
Aged 60 years, and others.

... Petitioners

And

The District Educational Officer, Rangareddy
District, R.R. District Collectorate Complex,
Lakdi-ka-pool, Hyderabad, and others.

... Respondents

Order:

This writ petition has been filed seeking Mandamus to direct respondents 3 and 4 to take action against respondents 1 and 2, namely, The District Educational Officer, Rangareddy District, and the Regional Joint Director, School Education, Hyderabad.

2. Petitioners, three in number, are High Schools located in Ferozguda, Secunderabad, claiming to have been established in the

years 1988, 1991 and 1992 respectively. The case of the petitioners is that the fifth respondent herein, i.e. High-Tech Modern High School which was situated at Balanagar has shifted to the present location, i.e. Ferozguda, which is at a distance of 10 yards from the second petitioner's school, in contravention of the Rules framed under the A.P. Education Act, 1982 ('the Act' for brevity). Complaining the said shifting of school by the fifth respondent, petitioners are said to have made a representation dated 29-06-2006 to the respondents. Thereafter, the second respondent issued proceedings dated 09-06-2006 returning the proposals of the fifth respondent for shifting its school, wherein it was stated that the Deputy Educational Officer, Malkajgiri has reported that the fifth respondent school is closed for the year 2005-06. It is stated that the second respondent had directed the first respondent to obtain the report from the Deputy Educational Officer, Malkajgiri, regarding the unauthorized shifting of the fifth respondent school. It is stated that the petitioners have filed W.P.No.13723 of 2006 for a direction to the respondents to initiate prosecution against the fifth respondent for violation of the rules and an interim relief was also sought to close down the fifth respondent school. However, the same was dismissed.

3. The learned Government Pleader appearing for the respondents submits that against the return of proposals, submitted by the fifth respondent for shifting its school from Balanagar to Ferozguda, the fifth respondent has carried the matter in appeal as provided under the Act and the same is pending consideration before the competent authority.

4. As much as the appeal filed by the fifth respondent is pending

consideration, it is not open for the petitioners, which are private schools, to seek directions to respondents 3 and 4 to take action against respondents 1 and 2. This Writ Petition appears to be an offshoot of the rejection of the claim of the petitioners in W.P.M.P.No.17071 of 2006 in W.P.No.13723 of 2006, which was earlier filed by them seeking directions for closure of the fifth respondent school.

5. As stated above, this is not the first round of litigation. The attempt of the petitioners by filing one petition after the other under Article 226 of the Constitution of India is nothing short of gross abuse of the process of the court and this court has no slightest hesitation in condemning the petitioners for such an act.

6. The writ petition must fail and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 27, 2006

MRR